

Submission 1090 (Loir Flanagan, Alvieu- Dairyland Union School District, October 31, 2011)

ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT
Chowchilla, California 93610

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October 31, 2011

The Honorable Edmund G. Brown, Jr.
Governor, State of California
c/o State Capitol, Suite 1173
Sacramento, CA 95814

VIA FACSIMILE & U.S. Mail
916-558-3160

Re: High Speed Rail Authority Project
Request for Intervention
Merced to Fresno Segment

1090-1

Dear Governor Brown,

The Alvieu-Dairyland Union School Board of Directors requests your assistance in arranging a face-to-face meeting with the High Speed Rail Authority. In a recent Fresno Bee article, you were quoted as saying you have become personally involved in "working with the authority to get its act together."

We are asking that you personally get involved with arranging a meeting for our District because we share your frustration in dealing with the High Speed Rail Authority.

For months, we have offered specific and detailed information to the HSRA showing the negative impacts that will be caused by the project to our school district only to be ignored and arrogantly dismissed. We have attempted to require the HSRA to abide with federal statutes to coordinate their plans with our local school board, but they refuse to meet or discuss any details of their plan with our Board.

By meeting with our District, the State of California and HSRA would be apprised of the impacts our District will face as a result of the proposed alternatives being advanced. These impacts are precisely the reason the National Environmental Quality Act (NEPA) requires coordination with local government entities. NEPA obligates agency's developing projects like the High Speed Train to work with local governments to resolve conflicts prior to releasing a draft environmental impact report.

LORI FLANAGAN
Superintendent

EQUAL OPPORTUNITY EMPLOYER

SHEILA PERRY
Vice Principal/Curriculum Director

However, in this case, the HSRA ignored our requests and our comments and issued a DEIS disregarding and misrepresenting our concerns and issues. We demand you and your office assist us with arranging a meaningful and immediate meeting with the HSRA and Mr. van Ark to have a substantive discussion regarding these issues.

This project will not only more than double the debt owed by the State of California, but will disrupt and destroy thousands of acres of private property, farms, businesses, entire industries, infrastructure, water delivery systems, and alter hundreds of roads and bridges our school busses use on a daily basis. None of these impacts have been considered.

Not only will they have a direct and devastating impact on our ability to provide a safe and healthy environment for our school children, but it will directly impact our ability to raise the necessary taxes that provide funding for our teachers, service our current debt, and perform our duties during this already difficult financial crisis. Has the State or your office even considered the possibility that our District might have to be redistricted should this rail divide us?

The Alvieu-Dairyland Union School District, along with several other school districts in Merced County in the Central Valley have tried to have substantive and meaningful meetings with the High Speed Rail Authority. They share our frustration with this agency.

We implore you to slow this process and facilitate a meeting with the High Speed Rail Authority before we are forced to take more drastic measures that will cost us and the state more legal fees and time that none of us can afford.

Our students, teachers, and staff deserve your commitment to arrange this meeting immediately. We are forwarding this letter to our elected officials and the media to underscore our frustrations with you and this State for forcing this unwanted project onto the backs of our citizens.

Please contact me at 559-665-2394 regarding this critical request at your earliest possible date.

Sincerely,

Lori Flanagan
Lori Flanagan
Superintendent/Principal

cc [High Speed Rail Authority](#)
U.S. Congressman Jeff Denham, District 19
Assembly Member Kristin Olsen, District 25

Response to Submission 1090 (Loir Flanagan, Alview- Dairyland Union School District, October 31, 2011)

1090-1

CHSRA met with Alview-Dairyland School District on November 29, 2011.

The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools. Also see MF-Response-SOCIAL-5.

Submission 1100 (David Alexander, City of Chowchilla, November 21, 2011)



November 17, 2011

California High-Speed Rail Authority
 Merced to Fresno Draft EIR/EIS Comments
 770 L Street, Suite 800
 Sacramento, CA 95814

Dear Board Members:

The City of Chowchilla takes this opportunity to add an additional comment on the California High Speed Train Project Draft EIR/EIS for the Merced to Fresno Section by submitting to you our analysis of the economic impact of Alternative A-2, Avenue 24 and Hybrid on existing and proposed transportation facilities. The City has spent substantial resources reviewing these facilities and the impact of your project on them.

1100-1

A great advantage of the BNSF alignment is that much of the HSR system could be constructed at-grade such that the freight track would be grade separated along with the adjacent HSR tracks. This would benefit freight services and communities by reducing noise (due to the elimination of horn and gate noise from existing services), providing improved safety, freeing automobile traffic, and improving air quality through reduced congestion. (2005 Program EIR Ch. 6a pg. 6A-10) The BNSF alignment would not have the enormous cost effect on our existing and proposed transportation facilities.

The attached matrix show a total impact of the proposed High Speed Rail Alternative A-2, Avenue 24 and Hybrid on existing and planned transportation facilities in the City of

Chowchilla to be \$226.5 million. This is an enormous cost to the community if this route is selected by the California High Speed Rail Authority.

Please contact me for any additional information that you might require regarding this subject.

David Alexander
 Mayor, City of Chowchilla

(559) 665-8615
dalexander@ci.chowchilla.ca.us

Enclosure

Submission 1100 (David Alexander, City of Chowchilla, November 21, 2011) - Continued

SR 152 - Road 17 1/2 Interchange	A-2 and Ave 24 and Hybrid	Freeway Interchange	Planned interchange at Ave 17 1/2 SR 152 to provide north-south access to industrial Land Uses. Heighten and lengthen bridge to cross elevated SR 99 provide Commercial uses between SR 152 and HSR.	\$ 47 million	\$79 million	\$32 million	Lengthen bridge and add ramps to cross HSR. Heighten bridge to provide Commercial uses adjacent to SR 152. Additional cost to elevate bridge and distance. Additional ROW. Additional road costs.
Robertson Blvd (SR 233) at Ave. 24	A-2 and Ave 24 and Hybrid	Major Intersection	Planned major intersection to downtown to eastbound Ave 24 SR 99 interchange. Also westbound to north-south major arterial to Meridian/SR 99	\$175 million	\$8.5 million	\$4.75 million	With HSR overcrossing relocate east and west bound intersection north of Ave. 24. Realign Ave. 24
Road 15 - Avenue 24	A-2 and Ave 24 and Hybrid	Intersection	99/Ave 24 interchange. New HSR bridge on Ave. 15 will be elevated to allow Ave. 24 traffic under.	\$ 3 million	\$1.75 million	\$1.46 million	Future Ave. 24 is major arterial (4 lanes). Elevation of HSR bridge will have to be extended to above Ave. 24 underpassing.
Road 13 Avenue 24	A-2 and Ave 24 and Hybrid	Major Intersection	Future Road 13 and Ave 24 are major arterials (4) lanes and part of the loop system. New HSR intersection. Will cause significant reconstruction of intersection moving Ave. 24 to existing planned future highway interchange Caltrans already owns ROW. Planned as major Collector Street connecting SR 99 to downtown. Major intersection at Ave. 24 and Road 12.	\$15 million	\$3.8 million	\$2.3 million	Relocate Ave. 24 approximately 1/2 mile to north. Acquire additional ROW where Planned High School located adjacent to Planned Community Center and use Plan may have to relocate both facilities.
Road 12 - Avenue 24	A-2 and Ave 24 and Hybrid	Highway Interchange	Collector Street connecting SR 99 to downtown. Major intersection at Ave. 24 and Road 12.	\$ 5 million	\$9.5 million	\$4.5 million	HSR does not provide for overcrossing of Road 12 at Ave. 24 alignment. City will have to provide at major collector standards.
Total					\$228.5 million		

City of Chowchilla Impacts From High Speed Rail Alternative A.2, Avenue 24, and Hybrid

Location	Route Alternative	Infrastructure	Mitigation	Existing Cost	Mitigated Cost	Increased Cost	Notes
SR 99 - 233 Interchange	A-2 Elevated	Freeway Interchange	Near PRR/Design. Realign Interchange. Acquire additional Right-of-Way. Widen bridge for HSR support in median. Relocate East and West Robertson Blvd. Relocate utilities.	\$69 Million	\$99.5 Million	\$30.5 Million	Both East and West Robertson Blvd. will be realigned to cross SR 99 perpendicular to allow HSR elevated. Should be constructed at same design context. Good duplication of cost and design context.
SR 99 - Ave 24 Interchange	A-2 Elevated	Freeway Interchange	Realign Interchange. Elevate Ave. 24 bridge. Acquire additional ROW. Widen bridge. Relalign Ave. 24 west and east of SR 99.	\$31 million	\$68 million	\$37 million	Relalign Ave. 24 to cross SR 99 perpendicular. Relocate Ave. 24 is essential in order to allow HSR elevated. Should be constructed at same time as HSR to avoid duplication of cost and design context.
SR 99 - Meridian Interchange	A-2 Elevated	Freeway Interchange	Realign SR 99 between PRR/SR 99 and SR 233 ±. Interchange approximately 1/2 mile north elevated bridge to UPRR. New bridge back to westside of UPRR. New	\$52 million	\$117 million	\$65 million	All existing location insufficient distance to cross HSR elevated to westside of UPRR with bridge. At least 53' taller bridge at extra cost. Additional ROW cost. Too near Chowchilla River to under pass.
Fig Tree Overpass - SR 99	A-2	Overpass	Planned overpass will be difficult to design and may require exceptional structures due to UPRR and height of bridge of 79' to clear HSR elevated. All is underpass.	\$ 11 million	\$31 million	\$20 million	Fig Tree overpass essential to maintain LOS on SR 233 at SR 99 interchange. Realign Fig Tree east and west of SR 99 to cross perpendicular. Additional ROW cost. Potential design issues with Chowchilla Blvd. Intersection location.
Future Overpass Perry Lane SR 99 and UPRR	A-2	Overpass	Planned overpass will be difficult to design and may require exceptional structures due to distance between SR 99 and UPRR and height of bridge of 79' to clear HSR elevated. All is underpass.	\$29 million	\$47 million	\$ 8 million	Planned overpass would bridge SR 99 and UPRR. Essential to maintain LOS on SR233 at SR 99 Interchange and east-west circulation in future City. Potential design issues with HSR elevated structure designs.
Future Overpass Sierra View (Ave. 24) at UPRR	A-2 and Ave 24 and Hybrid	Overpass	Relign overpass to match height of SR 99. Ave. 24 interchange. Relign Ave 24 ± 1/2 mi. west.	13 million	\$24 million	\$11 million	Relign overcrossing to match SR 99/Ave. 24 interchange. Relign Ave 24 ± 1/2 mi. west.

Submission 1100 (David Alexander, City of Chowchilla, November 21, 2011) - Continued

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City of Chowchilla - Financial Loss From High Speed Rail Alternative A-2 Route

Loss of Sales Tax Revenue	\$226,000 Annually
Loss of Transit Occupancy Tax	\$133,500 Annually
Loss of Property Tax Revenue	\$226,500 Annually
Total	\$586,000 Annually

Response to Submission 1100 (David Alexander, City of Chowchilla, November 21, 2011)

1100-1

See MF-Response-GENERAL-10.

Submission 870 (Jose Antonio Ramirez, City of Livingston, October 14, 2011)



City of Livingston
1416 C Street
Livingston, CA 95334

RECEIVED
10-14-11P04:26 RCVD

October 12, 2011

CA High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

RE: Merced to Fresno California High-Speed Train System Draft EIR/EIS Comments

To Whom It May Concern,

870-1

California's current intercity transportation system, including in the Central Valley, cannot meet existing and future travel demands. When California's voters passed Proposition 1A in 2008 to provide funding for the California High-Speed Train ("HST") System, they acknowledged that the state's roads and airports can no longer keep up with its growing population and that, with its speed, capacity and connectivity, the HST System will provide travelers a viable alternative for moving throughout California. Without the proposed HST System, transportation congestion will lead to deteriorating air quality, reduced reliability, and increased travel times.

No matter which of the three basic alignments is selected, the City Council of the City of Livingston supports the California High-Speed Train System Project in the Central Valley.

Sincerely,

Jose Antonio Ramirez
Livingston City Manager

CITY OF LIVINGSTON
1416 "C" Street LIVINGSTON, CALIFORNIA 95334 PHONE: (209)394-8041 FAX: (209) 394-4190
www.livingstoncity.com

Response to Submission 870 (Jose Antonio Ramirez, City of Livingston, October 14, 2011)

870-1

MF-Response-GENERAL-9.

Submission 1135 (J.D. Hightower, City of Riverbank, December 6, 2011)



3242
12-07-11P02:05 RCVD

City of Riverbank Development Services Department

Public Works ≈ Planning ≈ Building ≈ Neighborhood Improvement

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7120 FAX (209) 869-7126

December 6, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
Attn: Board Liaison

SUBJECT: ROUTE SELECTION RECOMMENDATION

Dear Chairperson Umberg and Board Members:

1135-1

The City of Riverbank has reviewed the staff recommendation report regarding the proposed route between Fresno and Merced. It is my opinion that staff did an outstanding job in identifying impacts and making a recommendation. The high degree of dedication and professionalism of the Authority's staff is reflected in this report. This is a high quality report that quantitatively identifies impacts amongst the alternatives and makes a clear recommendation. The clear and concise analysis of the facts in making a recommendation is the reason why the City of Riverbank looks forward to working with Authority staff in the future.

The report reflects the Authority's commitment to partnership building with cities and counties as reflected in the detailed proposed station maps. As high speed rail travels northward, the City of Riverbank is fully committed to such a cooperative partnership with the Authority. Riverbank has and will be a willing and able partner in the success of the high speed rail.

Any partnership is based on an outcome that is mutually beneficial (win/win scenario). As the high speed rail passes through cities and counties, it is important to ensure that the high speed rail is a win/win scenario for all. It appears that the Authority's staff, in making a recommendation, has investigated the issues and attempted to derive an outcome that respects each jurisdiction's expectations, plans and goals. Because of this commitment, the City of Riverbank looks forward to working with the High Speed Rail Authority when the time comes for project development in the North Valley Region.

The City of Riverbank urges the Authority Board to approve the concept presented in the staff recommendation concerning the Fresno to Merced segment along with any context sensitive changes that best suit local needs.

Cordially,


J.D. Hightower
Development Services Director

Response to Submission 1135 (J.D. Hightower, City of Riverbank, December 6, 2011)

1135-1

See MF-Response-GENERAL-9.

Submission 867 (Gustavo Balderas, Madera Unified School District, October 24, 2011)



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(559) 675-4500
Fax: (559) 675-1186
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Gustavo Balderas
Superintendent

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Public Information Officer
bragonier_j@madera.k12.ca.us

Board of Trustees:
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Ricardo Arredondo, Clerk
Lynn Cogdill, Trustee
Jose Rodriguez, Trustee
Michael Salvador, Trustee
Ray G. Seibert, Trustee
Maria Velarde-Garcia, Trustee

Where the futures of children
are driven by their
aspirations, not bound by
their circumstances.

MADERA UNIFIED SCHOOL DISTRICT

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10-14-11P04:24 RCVD

October 12, 2011

California High-Speed Rail Authority
Merced to Fresno EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

RE: Madera Unified School District Comments on Merced to Fresno Draft EIR/EIS

This letter presents the comments of the Madera Unified School District on the Draft Environmental Impact Report/Statement for the Merced to Fresno Section of the California High-Speed Rail Project.

The Madera Unified School District operates 26 schools with over 19,000 students. Madera is an economically disadvantaged community with 31.6% of children living in the District below the poverty level (as compared to 18.3% for the State of California) and 81.2% of students qualifying for free and reduced cost meals. As of the 2010-11 school year, 84.4% percent of the student population was Hispanic followed by 9.8% white, 2.5% African-American, 1.2% Asian, and 2.1% other ethnic categories.

The California High-Speed Rail Project is a monumental public works project, the likes of which has not been seen in California since the great water and highway system infrastructure projects of over a half century ago. It has the potential to provide some great benefits; however, there are also substantial impacts to communities along the routes that need to be appropriately addressed.

The proposed route alternatives for the project with the Madera Unified School District are as follows: (1) The Burlington Northern and Santa Fe (BNSF) alternative will follow the BNSF railroad alignment east of the City of Madera and will transition to the Union Pacific (UP) railroad/State Route 99 corridor in the southern part of the District. (2) The Union Pacific (UP) railroad/State Route 99 (UP/SR 99) alternative will follow the existing UP/SR 99 corridor and will follow the UP railroad alignment through the City of Madera where the UP railroad separates from SR99. (Note: there are also various alternatives as to how the east-west route connecting to the Bay Area paralleling SR 152 will

867-1

867-2

connect to the above two alternatives. Parts of these connection alternatives are within the District, but these options do not affect a substantially populated area of the District.)

Our comments related to the project's potential effects on the Madera Unified School District are presented on the following pages:

Noise Impacts

The UP/SR 99 alternative, which will run through the heart of Madera along the UP alignment, will involve elevating the tracks to approximately 40 feet above ground level with an effective maximum height of 50+ feet when a train in running on the tracks. The Draft EIR/EIS states that a projected 272 trains per day will be running on the tracks, as compared to the 20-24 conventional trains currently on the UP tracks. Consequently, we are concerned about potential noise impacts to several District schools. The three closest District schools to the UP alignment are Sierra Vista Elementary School (0.18 mile; 956 feet), Washington Elementary School (0.28 mile; 1,452 feet), and Parkwood Elementary School (0.29 mile; 1,547 feet).

After reviewing the Draft EIR/EIS Noise and Vibration Technical Report, we need to have the following omissions/inconsistencies corrected and clarified so that we can be clear about the potential impacts to District schools and how the impacts will be mitigated.

Tables 5-1 and 5-2 of the Noise and Vibration Technical Report identify noise sensitive areas along the UP/SR99 route alignment. Franklin School in Merced is called out as a noise sensitive use at 1,950 feet away from the rail alignment. However, none of the three District schools listed above, all substantially closer to the route alignment than Franklin School, are identified as noise sensitive uses. Compounding this omission is the fact that the number of trains projected to go through Merced (100 per day) is much less than Madera (272 per day). Why weren't the three Madera Unified schools proximate to the High-Speed Train (HST) alignment identified as noise sensitive uses?

Furthermore, Table 7-3 indicates that one school will be moderately impacted in the area between Dry Creek and the San Joaquin River, but does not identify the school. As this portion of the route is within Madera Unified, we would like to have the school identified. If this is in fact a District school, we also would like to know why the other two District schools were not listed as moderately impacted.

-1-

-2-

Submission 867 (Gustavo Balderas, Madera Unified School District, October 24, 2011) - Continued

867-3

Hazardous Materials

The Draft EIR/EIS Hazardous Materials Section correctly indicates that state regulations (California Public Resources Code section 21151.4) require the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of the project about potential impacts on the school if the project might reasonably be anticipated to emit hazardous air emissions, or handle an extremely hazardous substance or a mixture containing an extremely hazardous substance.

The Draft EIR/EIS identifies both Sierra Vista elementary School and Washington Elementary School as being 0.25 mile from the HST construction footprint. Based on the following, it appears that most of the potential for hazardous waste generation would come from project construction:

Page 3.10-23: During construction, demolition, and excavation activities, the project would potentially emit hazardous air emissions or handle extremely hazardous wastes above threshold quantities . . . Potentially hazardous materials and items containing potentially hazardous materials would be used in railway construction, and demolition of existing structures within the project footprint could require the removal of ACMs and lead-based paint from project sites.

As discussed above, the project would comply with all federal and state regulations that are generally anticipated to reduce the potential for the release of large quantities of hazardous materials and wastes into the environment to an acceptable level. These standard procedures would not obviate the potential for the accidental release of an extremely hazardous substance (as defined in PRC Section 21151.4) in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school, however. Because of the potential for the accidental release of extremely hazardous materials, the effect of HST construction related to routine transport and handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school would be moderate under NEPA, and the impacts would be significant under CEQA.

Potential hazardous materials impact from HST operations would not be significant:

-3-

867-3

Pages 3.10-23 and 24: Operation and maintenance of any of the HST alternatives would involve the transport, use, storage, and disposal of small quantities of hazardous materials or wastes associated with the routine maintenance of stations and other facilities. The HST System would be dedicated to passenger transport and is not intended for the transport of freight or hazardous substances; therefore, no impact would result from the HST transporting hazardous materials or hazardous waste.

No schools are within 0.25 mile of the potential Heavy Maintenance Facility site (Gordon-Shaw) within the District.

The Draft EIR/EIS provides the following mitigation measure for potential hazardous waste impacts to schools. This measure should reduce potential impacts to a less than significant level.

HMW-MM#1: Limit use of extremely hazardous materials near schools. The contractor shall not handle an extremely hazardous substance (as defined in California Public Resources Code Section 21151.4) or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school.

867-4

Disruption of School Transportation

District schools serve as hubs of neighborhood activity that draw substantial pedestrian, bicycle, automobile and bus traffic. The District operates an extensive system of bus routes within its territory. The District's policy is to provide bus transportation for any students living further than the following distances from their school of attendance: grades K-6, 1 mile; grades 7-8, 1.5 miles; grades 9-12, 2 miles. Students living closer than the busing distances either walk, bicycle, or are driven by parents (or drive themselves in the case of older high school students). We are concerned that the construction of the HST system could disrupt school transportation activity in the District.

For the finished HST system under either alternative, it appears that all existing streets that currently cross the proposed routes in the Madera area would go through to the other side by means of a grade separation either over or under the tracks. However, during construction of the project, pedestrian, bicycle, bus and automobile transportation to schools could be affected/disrupted for substantial

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Submission 867 (Gustavo Balderas, Madera Unified School District, October 24, 2011) - Continued

867-4

periods of time. The following excerpt is taken from page 3.2-30 of the EIR/EIS Transportation Section:

In urban areas, project-related construction traffic could contribute to interference with pedestrians, bicyclists, and transit. Also, construction traffic may create an operational hazard or loss of access to community facilities, although emergency access would be maintained. This includes heavy truck traffic, as materials are brought to the project site and demolished or excavated materials are hauled out. Construction activities could require temporary lane or road closures and underground utility work. Construction activities could also lead to both temporary disruption of transportation system operations and possible damage to elements of the roadway system such as pavement and bridges. Most of the HMFs would be located in less urban areas. Because project construction traffic would be temporary, any associated traffic effects would not be considered as impacts.

Potential construction transportation impacts are summarily discounted because they will be "temporary." With a project of this magnitude, construction and corresponding transportation disruptions could potentially occur over a substantial period of time. The Draft EIR/EIS does require the preparation specific construction/traffic management plans for the purpose of maintaining pedestrian, bicycle and public transit access and routes, and managing construction-related traffic and parking (see pages 3.2-106 and 107). Such plans, however, should include specific provisions for coordination with school districts with respect to bus routes, pedestrian and bicycle routes, and automobile traffic to schools.

867-5

Displacement of Businesses—Drawbacks and Opportunities

Madera is an economically disadvantaged community and the displacement of businesses along the UP/SR99 route could have a detrimental impact on the economy of the community. This would, in turn, adversely affect the District.

On the other hand, the removal of existing land uses in the downtown rail corridor, some of which are severely blighted and run down, could provide a positive opportunity to redevelop, revive and renew the area. If the High Speed Rail Authority was to partner with the underserved and impoverished segment of our community to take positive measures in this direction, including the provision of linear parks and open space under and adjacent to the rail right-of-way, this would improve the environment, property values and the tax base of

-5-

the community, to the benefit of the community and District (see Madera Friends of High Speed Rail mitigation plan).

Other potential opportunities to improve the area disrupted by HST construction, in addition to linear park areas under and along the elevated tracks, include the provision of an underpass under the at grade Union Pacific tracks to improve the safety of students that must cross the tracks to get to school and the funding of a downtown cultural center in the impacted area.

867-6

Heavy Maintenance Facility (Gordon-Shaw Site)

One of the heavy maintenance facility (HMF) locations evaluated in the Draft EIR/EIS is located in the District. This is identified as the Gordon-Shaw site located on the east side of SR99 and (mostly) south of Berenda Creek. The Gordon-Shaw site appears to be an excellent location for the HMF. Of all the proposed HMF sites, the Gordon-Shaw site appears to have the least environmental impacts. The Gordon-Shaw site does not have the socioeconomic/community impacts or the adverse biological resources impacts of other sites under consideration.

However, unlike Merced and Fresno, Madera will not have the substantial economic benefit of having a HST station located in the community. In light of the policy mandate of the Authority to spread the benefits of HSR through effected communities, we believe it would be appropriate for the HMF to be located at the Gordon-Shaw site. This would provide a huge economic benefit to the community and District by creating a substantial number of new family supporting jobs, improving and diversifying the local economy and significantly increasing tax revenues.

In addition, an argument can be made that the Gordon-Shaw site is the only "regional" Heavy Maintenance Facility site. It is equidistant to downtown Merced and downtown Fresno. Therefore, it will be served by the two largest labor markets in the Central San Joaquin Valley. It will benefit the largest possible population of any heavy maintenance facility site. Finally, because of the importance of the Gordon-Shaw site to the Madera Unified School District, Madera County and the region, we respectfully request that you take measures to adjust the Hybrid alignment to be as nearly adjacent as possible to the Gordon-Shaw site so that the site is served by either the A2 alignment or the Hybrid alignment.

-6-

Submission 867 (Gustavo Balderas, Madera Unified School District, October 24, 2011) - Continued

867-6

The Draft EIR/EIS indicates that an HMF would provide approximately 1,500 jobs to the region and would attract high-skill and high-wage technical jobs (e.g., welders and mechanics), professional jobs, and other jobs in the service, government, and financial sectors.

New commercial/industrial development resulting from the HMF will cause new workers to move into the District. Because some of these workers will have school-age children, commercial/industrial development will also generate new students in the District. Additionally, the District will likely gain additional students from new employees who do not live in the District, but whose school-age children attend the District as transfer students. As shown in the District's most recent fee justification study addressing commercial/industrial development, adequate school facilities do not exist for these students. New commercial/industrial development, therefore, creates a need for additional school facilities.

Any privately owned covered and enclosed building constructed within an HMF would be subject to the District's commercial/industrial school facilities fee. The District's school facilities fee for commercial/industrial development is currently \$0.47 per square foot. New development constructed within the HMF site will be subject to fee in place at the time fee certificates are obtained.

Thank you for the opportunity to comment on the Draft EIR/EIS. We look forward to reviewing the Final EIR/EIS once it is completed.

Please contact me if you have any questions regarding this letter.

Sincerely,



Gustavo Balderas
Superintendent

California High-Speed Rail Authority
Merced to Fresno EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

Superintendent
Madera Unified School District
102 Howard Road
Madera, CA 93637



Response to Submission 867 (Gustavo Balderas, Madera Unified School District, October 24, 2011)

867-1

See MF-Response-NOISE-2.

867-2

See MF-Response-NOISE-2. Text has been added to identify severe noise impact at Sierra Vista Elementary School and moderate noise impact at Washington Elementary School Fairmead Elementary School, and Le Grand Elementary School.

867-3

See MF-Response-HAZ-1.

867-4

See MF-Response-TRAFFIC-1.

867-5

See MF-Response-GENERAL-10, MF-Response-SOCIAL-2, MF-Response-SOCIAL-3, MF-Response-SOCIAL-4, and MF-Response-SOCIAL-5.

867-6

See MF-Response-GENERAL-15.

Submission 950 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011)



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950-2

October 21, 2011

Via E-Mail and U.S. Mail

The California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Merced_Fresno@hsr.ca.gov

Subject: Merced to Fresno Draft EIR/EIS Comments

Dear California High-Speed Rail Authority:

The Transbay Joint Powers Authority (TJPA) is a joint powers agency responsible for the planning, design, construction, operation and management of the new Transbay Transit Center in downtown San Francisco and the Downtown Extension (DTX), an underground rail tunnel from Fourth & King streets to the Transit Center that will accommodate both Caltrain commuter trains and high-speed trains. The California High-Speed Rail Authority (CHSRA) selected the Transbay Transit Center as the preferred location for the high-speed rail terminus in San Francisco in its Program EIR/EIS for the Bay Area to Central Valley portion of the high-speed rail system.

The TJPA appreciates the opportunity to submit the following comment on the CHSRA's Draft Environmental Impact Report and Environmental Impact Statement for the Merced to Fresno Section of the California High-Speed Train Project (Merced to Fresno DEIR).

950-1

The Transbay Transit Center Has Replaced the Transbay Terminal.

Statewide maps of the high-speed rail system used in the Merced to Fresno DEIR incorrectly identify the San Francisco terminus as the "San Francisco Transbay Terminal." (Merced to Fresno DEIR Figures S-1 and 2-1, Appendix 5-A *Operations and Service Plan Summary* cover page and Figures 1 and 2). In 2003, the California Legislature authorized the TJPA to demolish the Transbay Terminal and construct a new terminal at the same location designed to accommodate high-speed rail service. Pub. Res. Code § 5027.1. The TJPA completed demolition of the Transbay Terminal in August of this year. The new terminal is now under construction, and is called the Transbay Transit Center (referred to herein as the "TTC"). Please update the statewide maps for the high-speed rail system by replacing "San Francisco Transbay Terminal" with "San Francisco Transbay Transit Center."

The San Francisco 4th & King Station is an Overflow Station to Be Constructed, as Necessary, After Phase 1 Begins Operation in 2020.

The *Operations and Service Plan Summary* included in Appendix 5-A of Merced to Fresno DEIR discusses two service phases. Phase 1 consists of the San Francisco to Anaheim route and is planned to begin operation in 2020. Phase 2, the Full Build Service Plan, includes the Sacramento and San Diego spur routes and is planned to begin operation in 2027. The *Operations and Service Plan Summary* indicates that the 4th & King station will be one of the Phase 1 San Francisco stations. In describing Phase 1, the DEIR states that "[i]n San Francisco, high speed trains will operate at two terminal stations: the new Transbay Terminal and a reconstructed high-speed terminal at the existing Caltrain commuter station at 4th and King Streets." (*Operations and Service Plan Summary*, p. 2). In describing the terminal stations it states that "[f]our stations are identified as terminal stations in Phase 1 (2020); San Francisco-Transbay, San Francisco 4th & King . . ." (*Id.* p. 11).

Although the 4th & King station is proposed to be a part of the Phase I route, it is misleading to identify it as a Phase I station because it will not be in operation in 2020. As discussed in the *San Francisco to San Jose Preliminary Alternatives Report*, the 4th & King station is being considered to accommodate any service demand that could not be accommodated at the TTC. The TJPA does not believe that the 4th & King station is necessary, as detailed in the TJPA's comments on the Draft Preliminary Alternatives Discussion document for the San Francisco to San Jose section. See Letter from Ellen J. Garber to Mehdi Morshed (Oct. 30, 2009) (attached). Nonetheless, the TJPA did not object to this alternative, because demand could first be accommodated at the TTC with overflow capacity being provided at 4th & King if it proved necessary once the high-speed rail system was fully built out.

This is the arrangement identified by a technical group consisting of TJPA, Caltrain, and CHSRA representatives and consultants who worked through the technical and operational planning issues regarding high-speed rail capacity at the TTC. The group concluded that "[w]hen the nearly 800-mile California high-speed train system is completed, the Transbay Transit Center will accommodate the majority of demand for high-speed rail service to San Francisco with additional demand accommodated, as needed, at an improved Fourth/King facility." (*California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy*, p. 11-12 (June 2009) (emphasis added)).

The CHSRA Board has likewise directed that 4th & King should only be considered as an overflow station. On May 5, 2011, the CHSRA Board rejected a phased implementation approach that would have considered building 4th & King before the TTC.

Accordingly, the *Operations and Service Plan Summary* must clarify that the 4th & King station will be constructed after the TTC, and only in the event that overflow service is demanded. The 4th & King station should not be listed as a Phase 1 station or part of the Phase 1 service operations. If it becomes necessary, it would only begin operations during the Full Build Service Plan.

950-3

How will the CHSRA Overcome the Increased Travel Time in Some of the Alternatives?

Submission 950 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011) - Continued

950-3

As discussed on page 2-23 of the Merced to Fresno DEIR, some of the project alternatives could add up to 2 ½ minutes to the San Francisco to Los Angeles trip and 4 ½ minutes to the San Francisco to Merced trip. (Merced to Fresno DEIR p. 2-23.) Presumably the CHSRA believes it would still be able to meet the Prop. 1A mandated travel times of 2 hours and 40 minutes from San Francisco to Los Angeles and 2 hours and 20 minutes from Los Angeles to Sacramento with these slower alternatives. However, the Merced to Fresno DEIR does not explain why this would be so. The Final EIR should explain how the CHSRA will overcome the extra travel time in these alternatives.

The TJPA Will Comment on the CHSRA's New Ridership Forecasts When They Are Released.

The Merced to Fresno DEIR includes ridership forecasts for the high-speed train system. These forecasts were developed using the CHSRA Ridership and Revenue Model finalized by Cambridge Systematics in 2007 and are only slightly changed from those reported in the CHSRA's 2009 Business Plan. The TJPA understands that the CHSRA will soon be releasing new ridership forecasts for the high-speed train system that build upon and go beyond this existing model. The TJPA will comment directly on these new ridership forecasts. Given their pending release, the TJPA will not comment on the ridership forecasts included in the Merced to Fresno DEIR.

Please feel free to contact me if you would like to discuss any of these comments further.

Very truly yours,



Brian Dykes
Principal Engineer
Transbay Joint Powers Authority

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October 30, 2009

Mehdi Morshed
Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Transbay Joint Powers Authority's Comments Re San Francisco To San Jose High-Speed Train Project's Preliminary Alternatives

Dear Mr. Morshed:

On September 30, 2009, the Transbay Joint Powers Authority (TJPA) received a copy of the California High-Speed Rail Authority's (CHSRA) Draft Preliminary Alternatives Discussion document at the second Transportation Participating Agency, Technical Working Group meeting. As explained below, the proposals to locate a San Francisco high-speed rail (HSR) terminus at a separate location from the Transbay Transit Center are legally, technically, and financially infeasible. Accordingly, the CHSRA should now determine that these proposals will not be advanced for further study in its alternatives evaluation process. The CHSRA already possesses clear evidence to support this determination from laws on the books, the prior analysis conducted in the Transbay FEIS/EIR, and the additional analysis submitted to the CHSRA by the TJPA.

Subsection number 0 of the San Francisco to San Jose HSR Project includes the HSR route from Common Street in San Francisco to the downtown Transbay Transit Center (Transit Center).¹ The *Draft* Preliminary Alternatives Discussion proposes an

¹ Subsection numbers are from the CHSRA's Draft Preliminary Alternatives Discussion document.

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alternative (c) for subsection 0 consisting of constructing a new HSR terminal on the site of the existing Caltrain Fourth and King Streets station that would function as the San Francisco terminus for HSR ("Fourth & King Proposal"). Under this scenario, Caltrain service to San Francisco would continue from the Fourth & King station to the downtown Transbay Transit Center via the Caltrain Downtown Extension, but HSR service would terminate at the Fourth & King terminal, roughly a mile from the Transit Center.

The Draft Preliminary Alternatives Discussion also proposes an alternative (d) for subsection 0 that would eliminate the HSR train station immediately underneath the Transit Center and would instead locate it between Beale and Main Streets underneath the site of the Temporary Terminal, for which construction is nearly completed (the "Beale Street Proposal"). This appears to be the same proposal submitted to the CHSRA by Don Solem, President of Solem & Associates, a public relations firm, in a June 11, 2009 letter, which included schematics of the Beale Street Proposal prepared by the Gensler firm. (See Gensler Proposal: Beale Street Alternative Power Point (Attachment A).) Based on these schematics and the Preliminary Alternatives plans, the underground terminal would use the same main entrance as the Transit Center, but the facility would be located on separate parcels two blocks from that entrance and stretching 2 ½ blocks further away from the Transit Center and Market Street. The Beale Street Proposal would provide 6 rail tracks in phase I and expand to 12 tracks in phase II.

The certified Transbay FEIS/EIR already analyzed the environmental impacts of a reasonable range of alternatives, including a Beale Street and Fourth & King station, and selected the Transit Center as the preferred alternative for the San Francisco terminus of HSR.² Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are clear that the CHSRA may rely on the analysis conducted in the Transbay FEIS/EIR and need not repeat the consideration of station location alternatives in its environmental review.

Even if the CHSRA chooses not to incorporate or rely on the Transbay FEIS/EIR, substantial evidence now exists in the record demonstrating that, under the standards established by NEPA and CEQA, the CHSRA need not analyze the Beale Street or Fourth & King Street Proposals further. The CHSRA's San Francisco to San Jose EIS/EIR need only consider feasible and reasonable alternatives. Both proposed alternatives to the Transit Center are legally infeasible because they would conflict with

² Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (SCH #95063004) (Transbay FEIS/EIR) (Attachment B).

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several state and local laws, including the recent voter-approved HSR measure Proposition 1A. These laws require the San Francisco terminus of HSR to be located at the site of the current Transbay Terminal in order to provide multi-modal connectivity, proximity to downtown jobs, and to support transit oriented development. The Fourth & King and the Beale Street Proposals also run counter to decades of San Francisco planning and conflict with several adopted plans including the South Beach, Mission Bay, and Transbay Redevelopment Plans, the Rincon Hill Plan, and the on-going Transit Center District planning effort. The Fourth & King Proposal and the Beale Street Proposal also present massive construction hurdles and would require demolition of scores of residential housing units. Finally, both Proposals are financially infeasible. Locating the HSR station beneath the Transit Center will cost only \$400 million because most of the cost of the multi-modal Transit Center would be borne by the TJPA. In contrast, the Fourth & King Proposal would cost more than \$3.3 billion—over and above the cost of the Transit Center. The Beale Street Proposal would add more than \$7.5 billion to the cost of the Transit Center. For these and other reasons it is clear that the Beale Street and the Fourth & King Proposals are infeasible alternatives.

The Transbay Project is environmentally cleared, and construction has already begun. Any analysis of alternatives to the Transit Center as the San Francisco terminus of HSR is unnecessary and a waste of public funds. Accordingly, further analysis of the Beale Street and the Fourth & King Proposals should immediately cease. The CHSRA should indicate in a revised Preliminary Alternatives Discussion and in the Draft Alternatives Analysis Report that, after initial consideration, it has determined that it will not carry these Proposals forward into the Alternatives Analysis.

DISCUSSION

I. Environmental Review for the San Francisco Terminus of HSR Has Already Been Completed and Construction Will Begin in 2010.

The TJPA is a joint powers authority responsible for the planning, design, construction, operation and management of the Transbay Project in San Francisco. Accordingly, it is the lead agency for CEQA environmental review. (CEQA Guidelines § 15051.) The Transbay Project includes a new Transbay Transit Center at First and Mission Streets, and an underground rail connection (the Downtown Extension, or DTX) designed to provide HSR and Caltrain access to the Transit Center from the existing Caltrain Fourth & King Streets terminus.

The TJPA selected the current design and location for the Transit Center and DTX after extensive environmental review and consideration of numerous alternatives in the Transbay FEIS/EIR. The project description for the Transbay FEIS/EIR included an

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underground station that would serve as the northern California terminus for high-speed rail. Accordingly, the Transbay FEIS/EIR forecast high-speed rail ridership up to the year 2030 and considered a range of alternative designs and locations for the Transit Center and the DTX to accommodate the projected high-speed rail ridership. The TJPA approved a final design for the Transit Center based on an analysis that includes the high-speed rail information provided in the FEIR/EIS. The Transbay FEIS/EIR selected the Transbay Transit Center and rejected all other alternatives.

In April 2004, the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency certified the Transbay FEIS/EIR, and the Federal Transit Administration adopted it in a Record of Decision issued February 2005. Accordingly, the Transbay FEIS/EIR is presumed legally adequate by law. (*State Water Resources Control Bd. Cases*, 136 Cal. App. 4th 674, 723 (2006); Pub. Res. Code § 21167.2.)

Technical working groups representing the TJPA, Caltrain, and the CHSRA have reached a consensus on the technical and operational requirements of the Transit Center. These groups are working now to ensure that high-speed rail's requirements are met as the Transit Center's designs are finalized.

The Transbay Project is now underway. The \$18 million temporary bus terminal, located on the site of the Beale Street Proposal, is under construction and is expected to be completed in November 2009. The TJPA has acquired property for the throat structure for HSR and initiated acquisition of other properties to accommodate the tunnel radius for HSR at the site of the existing Transbay Terminal. Preliminary engineering designs for the Transit Center building are scheduled for completion in February 2010, and initial construction bid packages for the Transit Center based on those designs are scheduled to be issued in March 2010. Immediately upon award of these contracts, thousands of new jobs will be created.

The CHSRA must indicate to the public that it will not carry the Beale Street or the Fourth & King Proposals forward for detailed analysis in its EIS/EIR.

II. The CHSRA Already Selected the Transit Center and Need Not Revisit That Decision Now.

The CHSRA has already selected the Transit Center as the San Francisco terminus for HSR and has reiterated this selection numerous times. In 2005, the CHSRA's Final Program EIR/EIS for the California High-Speed Train System selected the new Transit Center as the station location for the San Francisco high-speed train terminus. (California High-Speed Train Final Program EIR/EIS, Vol. I (Attachment C) at 6A-5.) The CHSRA

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reaffirmed its selection in its 2008 Bay Area to Central Valley High Speed Train Final Program EIR/EIS (Bay Area FEIR/EIS).³ (Bay Area FEIR/EIS, Vol. I (Attachment D) at 8-18.)

In selecting the Transit Center as the station location for San Francisco, the CHSRA specifically acknowledged that the Transit Center consisted of its current design, stating that "[t]he rail facilities planned for the Transbay Transit Center are limited to 6 tracks and 3 platforms" (Bay Area FEIR/EIS, Vol. I at 8-18.) The CHSRA's Bay Area FEIS/EIR even assumed the current design of the Transit Center with 6 tracks and 3 platforms. (*Id.* at 3.1-13, 3.26.) Similarly, the CHSRA's business plan issued November 7, 2008 states that the Transbay Transit Center shall serve as the San Francisco terminus of the proposed high-speed rail system. (California High-Speed Train Business Plan (Nov. 2008) (Attachment E) at 7, 10-11.) The Notice of Availability for the CHSRA San Francisco to San Jose project itself states:

The preferred station in the City of San Francisco is the Transbay Transit Center; in the City of Millbrae the existing Millbrae BART/Caltrain Station, and in the City of San Jose the Intermodal Diridon Station. These locations were selected by the Authority and FRA through the Bay Area to Central Valley HST Final Program EIR/EIS considering the project purpose and need, and the program objectives.

(73 Fed. Reg. 79543 (Dec. 29, 2008).)

The CHSRA need not reconsider its decision to select the Transit Center in its programmatic EIR/EIS. That is because programmatic environmental review documents allow a lead agency to consider and select broad policy alternatives and program designs, in this instance the location of the San Francisco terminus of HSR. (CEQA Guidelines § 15168; *National Wildlife Fed'n v. Appalachian Reg'l Comm'n* (D.C. Cir. 1981) 677 F.2d 883, 888 (purpose of programmatic EIS).) The very purpose of a programmatic EIR/EIS is to avoid the kind of "duplicate reconsideration" that the Beale Street and the

³ A recent court ruling in *Atherton v. California High-Speed Rail Authority*, No. 4-2008-8000022 (Sup. Ct. Sacramento County) directed the CHSRA to conduct additional studies with regard to certain environmental impacts along the Peninsula for its Bay Area FEIR/EIS. This ruling, however, did not invalidate the analysis conducted in San Francisco, and it did nothing to question the CHSRA's selection of the Transit Center as the location for the San Francisco HSR terminus. Further, the court denied an effort to preclude further reliance on the Bay Area FEIR/EIS.

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Fourth & King Proposals would require the CHSRA to undertake. (CEQA Guidelines § 15168; 40 C.F.R. §§ 1500.4(i), 1502.4(d).) The CHSRA's project-level environmental review need only examine the Transit Center if construction of the San Francisco to San Jose project would have environmental effects that were not identified in the program-level analyses. (*Id.*; see also *Save our Sycamore v. Metropolitan Atlanta Rapid Transit Authority* (5th Cir. 1978) 576 F.2d 573 (holding project-level EIS for two stations unnecessary where the stations were sufficiently evaluated in transit system programmatic EIS.)) The CHSRA then would require additional mitigation measures, as opposed to considering alternative stations. (CEQA Guidelines § 15168.)

Further, the Transit Center is simply one component of the San Francisco to San Jose Project. The CHSRA does not need to consider alternatives to the Transit Center: it only needs to consider alternatives to the Project as a whole. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 599.)

III. The CHSRA Should Incorporate the TJPA's Environmental Review: Consideration of Alternatives to the Transit Center Is Unnecessary and a Waste of Public Funds.

Considering alternative designs or locations for the Transit Center would simply duplicate the studies and analysis already completed in the Transbay FEIS/EIR. It is the strong legislative policy of both CEQA and NEPA that the lead agency (CHSRA) should rely on the completed environmental review of the Transbay Transit Center in its environmental review for the San Francisco to San Jose section of the high-speed train system.⁴ Relying on the alternatives analysis completed almost five years ago for a project that has been approved, is nearly fully funded, and *has already broken ground* is nothing but reasonable.

Further, the CEQA Guidelines explicitly require the CHSRA to review the Transbay FEIS/EIR and rely on its analysis of alternative locations for the high-speed rail San Francisco terminus.

⁴ Relying on the Transbay FEIS/EIR's prior review of a range of reasonable alternatives for the San Francisco terminus of HSR is entirely appropriate. As the CEQA Guidelines state, an "EIR need not consider every conceivable alternative to a project." (CEQA Guidelines § 15126.6(a).) Instead, as the California Supreme Court has stated, "[t]he statutory requirement for consideration of alternatives must be judged against a rule of reason." (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County*, 52 Cal. 3d 553, 565 (1990); see also CEQA Guidelines § 15126.6(f).)

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Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the Lead Agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative.

CEQA Guidelines § 15126.6(f)(2)(C) (citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 573.)

This principle was recently applied in *California Native Plant Society v. City of Santa Cruz*, (2009) 177 Cal.App.4th 957. In *California Native Plant Society*, the court found that the City of Santa Cruz's analysis in a prior EIR of off-site trail alternatives was a sufficient basis for limiting the range of alternatives analyzed for a new project that contained a similar component. (*Id.* at 995.) The court reasoned that given the previous EIR's review of alternative sites, it was proper for the City to "decline to revisit previously rejected alternative path locations." The City's reliance on the previous EIR was upheld, even though the City Council did not take action on or formally incorporate the prior EIR into the EIR at issue. (*Id.*) Further, the court found that it was immaterial that the two projects were not identical: "although the two projects are different, the specific component of the [current project] at issue here . . . shares some purposes in common with the earlier . . . project." (*Id.*)

Accordingly, the CHSRA may rely on the Transbay FEIS/EIR's analysis of alternative sites for the San Francisco terminus of high-speed train and "decline to revisit previously rejected alternative[s]." (*Id.*) As discussed below, the two projects share the same purpose, the Transbay FEIS/EIR analyzed a reasonable range of alternatives; and conditions regarding location of a HSR station in San Francisco have not changed.

A. The Transbay FEIS/EIR Considered HSR Requirements.

Both the Transbay Project and the CHSRA's San Francisco to San Jose EIS/EIR Project share the same purpose, to extend HSR to a San Francisco terminal. Indeed, the Transbay FEIS/EIR explicitly lists "Accommodating Future High Speed Rail" as part of the purpose and need for the project. (FEIS/EIR, Vol. I at 1-16.)

The Transbay FEIS/EIR thoroughly evaluated the future use of the station by high-speed rail and even refined its alternatives after the draft EIS/EIR was published to better accommodate high-speed trains. After the Draft EIR/EIS was released, the TJPA received numerous comments to the effect that the Transit Center would not be able to

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physically accommodate high-speed trains or the number of high-speed trains that riders would demand. (See FEIS/EIR, Vol. II at 96-102 (Project Alternatives – CalTrain Downtown Extension), 108-119 (Caltrain/High Speed Rail Alignments, Design & Operations).) As a result, the TJPA refined the DTX alternatives by lengthening the rail platforms and increasing the number of tracks from two to three “to improve rail operations and capacity.” (FEIS/EIR, Vol. I at 2-24 to 2-25; FEIS/EIR, Vol. II at 96-98 (describing refinements).) The TJPA also provided additional train storage capacity. (*Id.*)

The TJPA commissioned studies to project ridership demand for CalTrain and high-speed rail at the Transit Center and analyze the rail capacity of the refined alternatives. The FEIS/EIR noted that “[a] preliminary rail operations capacity analysis of the six-track, three-platform terminating station, indicated that sufficient capacity existed for both expanded Caltrain service as well as high-speed rail.” (FEIS/EIR, Vol. II at 108.) Moreover, “California High Speed Rail Authority staff participated in the review of the two refined options and concurred with the selection of the Second-to-Main Option as the train component of the Locally Preferred Alternative.” (FEIS/EIR, Vol. II at 163.) The “Second-to-Main Option,” which is the current design for the Transit Center, has the train station under the Transit Center extending east-west from Second Street to Main Street. As discussed above, the CHSRA twice approved this design of the Transit Center as the San Francisco terminus for HSR.

B. The Transbay FEIS/EIR Already Considered and Rejected the Beale Street and the Fourth & King Proposals.

The Transbay FEIS/EIR analyzed a range of reasonable alternative locations for a HSR station in San Francisco and environmental impacts for the Transit Center. (FEIS/EIR Vol. I, Chpt. 2 (listing project alternatives).) The Transbay FEIS/EIR considered and rejected the Beale and the Fourth & King Proposals, and its findings are presumed valid.

The Transbay FEIS/EIR project alternatives included a station location at Beale Street and rejected it as legally and practically infeasible. (FEIS/EIR Vol. I at 2-553; see also TJPA Board of Directors Resolution No. 04-004 Attachment A, CEQA Findings (Attachment F) at xxiv-xxv.) The Transbay FEIS/EIR concluded that the Beale Street proposal “would be inconsistent with Proposition H and with stated policies of the City and County of San Francisco Board of Supervisors.” (FEIS/EIR, Vol. II at 158-164; *id.* Vol. I at 2-53.) The FEIS/EIR further found the Beale Street alternative’s location to be infeasible because it could “not be implemented under the provisions of the cooperative agreement transferring state owned property to the Redevelopment Agency and TJPA, and it would be counter to the regional consensus emanating from the 2000 MTC

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Terminal Study.” (FEIS/EIR, Vol. II at 163.) Section V.A of this letter discusses in detail the reasons the Transbay FEIS/EIR rejected the Beale Street proposal as technically infeasible. The Transbay FEIS/EIR also responded to comments made by several parties at the time of the 2002 Draft Transbay EIS/EIR to the effect that various elements of the Beale Street proposal would be superior to a HSR station underneath the Transit Center and explained why that alternative was rejected for further consideration. (FEIS/EIR, Vol. II at 158-164; *id.* Vol. I at 2-53.) AC Transit supported rejection of the Beale Street alternative because “the site would not provide the level of transit service that could be provided at the current terminal site and it would be farther from the employment locations of AC Transit’s current riders.” (FEIS/EIR, Vol. I at 2-53.)

The Transbay FEIS/EIR also considered whether the current Caltrain station at Fourth and King should become the San Francisco high-speed rail terminus. The Caltrain station at 4th and King was considered as the no project alternative for the DTX. The no project alternative included plans for electrifying Caltrain, which the FEIS/EIR determined “are compatible with the requirements of high-speed rail, and therefore will accommodate future development of high-speed rail in the Caltrain corridor” (FEIS/EIR at 2-3.) This alternative was also rejected because it would fail to construct a HSR terminal in downtown San Francisco and would fail to adhere to San Francisco voter mandates as well as various state laws. The TJPA found that the no project alternative “will eliminate the ability for a downtown San Francisco station leading to reduced high speed rail ridership, reduced economic development opportunities in San Francisco, and increased environmental impacts associated with more private vehicle transportation.” (TJPA Board of Directors Resolution No. 04-004 Attachment A, CEQA Findings, at xvii-ii.)

C. Circumstances Have Not Changed.

Environmental circumstances have not changed as they relate to the Transit Center location. For this reason, NEPA also does not require new environmental review of the San Francisco HSR station location. Under NEPA, a subsequent EIS is required only where new information presents “a seriously different picture of the likely environmental consequences of the proposed action” which were not adequately discussed in the original EIS. (*State of Wisconsin v. Weinberger*, 745 F.2d 412, 420 (7th Cir. 1984); see also Pub. Res. Code § 21166; CEQA Guidelines § 15162.)

Because the TJPA has already completed environmental review of the Transit Center and DTX portion of the San Francisco to San Jose HSR Project, the CHSRA’s reliance on the Transbay FEIS/EIR is exactly what CEQA envisions. Similarly, under NEPA a federal agency may adopt an EIS prepared by another agency. (40 C.F.R. § 1506.3; *Southern Utah Wilderness Alliance v. Thompson*, 811 F. Supp. 635, 646

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(D. Utah 1993.) The CHSRA should incorporate the Transbay FEIS/EIR by reference into the San Francisco to San Jose EIR/EIS and rely on its analysis to limit any further study of alternatives to the Transit Center. (CEQA Guidelines §§ 15150 (incorporation by reference); 15126.6(f)(2)(C) (consideration of alternatives); 40 C.F.R. § 1502.21 (incorporation by reference).)

IV. The Beale Street and Fourth & King Proposals Should Not Be Studied Further Because They are Infeasible.

Even if the CHSRA decides not to incorporate the analysis of alternatives already completed in the TJPA FEIS/EIR, it should revise its list of Initial Project Alternatives to indicate that it will not carry the Beale Street or the Fourth & King Proposals forward for further review. This is because these proposed alternatives are legally and technically infeasible. The CHSRA already possesses sufficient information to make and support this determination. There is no reason to delay. At the very least, the CHSRA should immediately indicate that it will not carry forward these proposed alternatives for additional analysis in its Draft Alternatives Analysis Report.

An EIR must consider a reasonable range of "potentially feasible alternatives" that would attain most of the project objectives and would substantially lessen the project's significant environmental impacts. (CEQA Guidelines § 15126.6(a).) As defined in the CEQA Guidelines, feasible means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (*Id.* § 15634.) An EIR need not consider alternatives that are not economically justified or that would substantially delay a project. (*Marin Municipal Water District v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1665-66 (1991).)

Similarly, under NEPA, an EIS need only consider "reasonable" alternatives. (40 C.F.R. § 1502.14.) Reasonable alternatives are "those that are practical or feasible from the technical and economic standpoint." (46 Fed. Reg. 18026 (March 23, 1981) at 2a; see also *Sierra Club v. Froehke*, 534 F.2d 1289, 1295-96 (8th Cir. 1976) (holding floodplain acquisition not a feasible alternative to building a dam because of excessive cost and local opposition).)

CHSRA's 2008 Alternative Analysis Methods for Project-Level EIR/EIS also notes that regional teams need only identify "feasible and practicable alternatives to carry forward for environmental review and evaluation . . ." (California High-Speed Train Project, *Technical Memorandum: Alternative Analysis Methods for Project-Level EIR/EIS* (Nov.-Dec. 2008) at 1.) The CHSRA's *Common Questions and Answers*

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Related to the Alternatives Analysis report likewise states that an alternative will not be advanced for further study if it is not feasible or practical to construct.

Substantial evidence already exists in the record establishing that the Beale Street and the Fourth & King Proposals are neither legally, financially, nor technically feasible. The CHSRA would accomplish nothing except to waste public funds by carrying these proposals forward for additional study.

A. Several State and Local Laws Require the HSR San Francisco Terminus to be located at the Transit Center. The Beale Street and Fourth & King Proposals Are Thus Legally Infeasible.

Under the Fourth & King Proposal, HSR service would terminate at Fourth and King Streets, roughly a mile from the Transit Center. Under the Beale Street Proposal, the HSR terminal would not be located at the Transbay Terminal site, but would be located on separate parcels stretching two and a half blocks away from the Transit Center. Because of their locations, the Beale Street and Fourth & King proposals would violate the following state and local laws:

- In 1999, San Francisco voters overwhelmingly approved Proposition H, mandating that "a new or rebuilt terminal shall be constructed *on the present site of the Transbay Transit Terminal* serving . . . high-speed rail." (Emphasis added.) (Attachment G.)
- In 2001, the San Francisco Board of Supervisors unanimously passed Resolution 104-01 supporting the extension of Caltrain to a new Transit Center on the site of the current Transbay Terminal to serve, among other things, high-speed rail. (Attachment H.)
- Similarly, California Public Resources Code Section 5027.1 provides that

the Legislature hereby approves demolition of the Transbay Terminal building at First and Mission Streets in the City and County of San Francisco, including its associated vehicle ramps, for construction of a new terminal *at the same location*, designed to serve Caltrain in addition to local, regional, and intercity bus lines, and designed to accommodate *high-speed passenger rail service*

(Emphasis added.) This law also establishes that "The Transbay Joint Powers Authority shall have primary jurisdiction with respect to all matters

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concerning the financing, design, development, construction, and operation of the new terminal.”

- On March 2, 2004, the voters approved Regional Measure 2, authorizing an increase in area bridge tolls to fund a “new Transbay Terminal in San Francisco, connecting [regional transit with] future high-speed rail . . . ,” and specifying that the new terminal must be located on the site of the existing Transbay Terminal at “*First and Mission Streets* in San Francisco.” (Sts. and High. Code § 30914(c)(22) (emphasis added).)
- Most recently, in Proposition 1A, the voters of California mandated that the northern terminus for high-speed rail would be the Transbay Terminal: “It is the intent of the Legislature by enacting this chapter and of the people of California by approving [Proposition 1A] to initiate the construction of a high-speed train system that connects the San Francisco *Transbay Terminal* to Los Angeles Union Station and Anaheim.” (Sts. and High. Code § 2704.04(a) (emphasis added).)

Because these laws require the new Transit Center and the San Francisco terminus of high-speed rail to be located at the existing Transbay Terminal site, and the TJPA has primary jurisdiction over the design of the new Transbay Terminal and has approved and begun construction of the project, the CHSRA has *no authority* to site the San Francisco HSR station at Main and Beale Street or Fourth & King Streets. These proposals are not legally feasible.

It was clearly the intent of the Legislature and the voters, as expressed in the ordinances and statutes excerpted above, that the San Francisco high-speed rail station be at the same location as the existing Transbay Terminal to connect to the other modes of transportation in the same building for the convenience and safety of passengers. Otherwise, the advantages of a multi-modal transportation center are lost. Under the Beale Street Proposal, passengers would have to walk the distance of four football fields to reach other modes of transportation from the high-speed rail station. Under the Fourth & King Proposal, HSR would only connect to one other transportation provider, San Francisco Municipal Transportation Agency, and passengers would need to transfer trains to travel an extra one mile to reach additional providers.

V. The Beale Street Proposal Should Not Be Studied Further Because It Is Technically and Financially Infeasible and Unreasonable in a Number of Respects.

Beyond conflicting with numerous state and local laws, sufficient evidence demonstrates that the Beale Street Proposal is technically and financially infeasible and

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unreasonable in a number of respects. There is no reason to carry this proposal alternative forward for further analysis.

A. The Beale Street Proposal Is Technically Infeasible.

The Beale Street Proposal is not technically feasible. It is nearly impossible to envision a design concept that could: (1) provide 12 tracks and platforms in the space provided, (2) avoid changing the layout of the Transit Center above grade for bus operations, and (3) avoid severely compromising the development potential above the rail station where the Temporary Terminal is almost completed and four towers are currently proposed. Even assuming the CHSRA can develop designs showing that all this is possible, the CHSRA need not consider the Beale Street Proposal, because it is otherwise technically infeasible and would have a greater impact on the environment than the existing Transit Center design.

Program managers for the Transit Center and DTX, who are experts in underground tunneling and HSR stations, have conducted a technical review of the Beale Street Proposal and concluded that it is technically infeasible and ill advised in several respects. (See PMPC Evaluation of the Gensler Proposal (August 19, 2009) (“Beale Street Technical Evaluation”) (Attachment I).) The proposed station approach provides insufficient distance for the transition of 12 tracks to enter a single tunnel, requiring a wider tunnel that would interfere with the Bay Bridge anchorage. Because of the depth of the proposed station (four levels below grade), the technical difficulties associated with construction of the station and extension, and the need to preserve development opportunities currently entitled on the proposed station site, the Beale Street proposal would double the cost of the Transit Center and DTX. The full technical evaluation is attached as Attachment I.

The Transbay FEIS/EIR and prior environmental reviews also rejected several components of the Beale Street Proposal as technically infeasible. Nothing has changed since then that would make these infeasible elements of the Beale Street Proposal feasible.

As far back as 1997, the Federal Transit Administration and Caltrain rejected a proposal to extend Caltrain to an underground terminal at Market and Beale Streets. (Caltrain San Francisco Downtown Extension Project, Draft Environmental Impact Statement/Draft Environmental Impact Report and Draft 4(f) Evaluation (March 5, 1997) (“Caltrain Extension Draft EIS/EIR”) (Attachment J) at 2-31-33.) Several different extension alignment options were considered as well as cut-and-cover and soft-ground tunneling options. (*Id.*) Caltrain rejected the Beale Street Alternative “because of poor constructability, higher costs, and potentially severe community and environmental

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impacts along the proposed alignments from Townsend Street to Beale Street.” (*Id.*, at 2-33.)

The current Beale Street Proposal includes alignments of the rail extension along Townsend Street, the Embarcadero, and Beale Street. Caltrain rejected these extension alignments in its Caltrain Extension Draft EIS/EIR, however, because of impacts to “areas of extensive residential development that had recently undergone prolonged disruption from construction of the Embarcadero roadway and Muni Metro Extension projects.” (*Id.*) Caltrain further concluded that these alignments were technically infeasible because of the “potential for adverse impacts on the Bay Bridge anchorage.” (*Id.*) Caltrain rejected tunneling options that could reduce residential disruption after soil surveys revealed “highly fractured rock that offered an extremely poor medium for tunneling.” (*Id.*) A panel of geotechnical and tunneling experts reviewed the soil conditions and “recommended against this tunneling alignment, given the high potential for rock slippage and catastrophic events such as cave-ins and broken utility lines.” (*Id.*) Caltrain further concluded that the Beale Street location would be more costly than the existing Transbay Terminal site. (*Id.*)

Just as the Caltrain Extension Draft EIS/EIR had done, the Transbay FEIS/EIR rejected rail extension alignments along Townsend Street, the Embarcadero and Beale Street. The FEIS/EIR rejected a rail extension along Beale Street because “alignments along Beale Street leading from The Embarcadero would pass near the Bay Bridge anchorage, raising issues regarding the effects of cut-and-cover construction on this major structure.” (FEIS/EIR, Vol. I at 2-57; *see also id.*, at 2-54 (CalTrain Downtown Extension Alternatives Considered and Withdrawn) Figure 2.3-1.) The FEIS/EIR rejected alignment of the rail extension down Townsend Street due to environmental impacts during construction on neighborhoods that have already experienced several prolonged periods of construction impacts. (*Id.* at 2-57.)

The FEIS/EIR also considered and rejected proposed alternatives that located the above ground Transit Center on the existing site but located the below-ground train station in adjacent locations, as the Beale Street Proposal does, because “the train platforms would not be directly under the multimodal transit facility, so internal passenger circulation and the ease of transfer from one mode to another would be substantially compromised.” (FEIS/EIR, Vol. I, at 2-56.)

The Beale Street Proposal is also technically infeasible because it is proposed on a parcel already improved with the Transbay Temporary Terminal at a cost of more than \$18 million. Construction of the Temporary Terminal started in December 2008 and will be completed in November 2009. The Temporary Terminal is required for bus operations during construction of the new Transit Center. If the Temporary Terminal were not

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available, demolition of the Transbay Terminal and construction of the Transit Center would be impossible because AC Transit, Muni, Golden Gate Transit, SamTrans, and other bus services would have nowhere to operate in during construction.

B. The Beale Street Proposal Is Financially Infeasible.

If the rejected Beale Street Proposal were now revived, the Transbay Program would lose significant funding sources, and the CHSRA would face insurmountable costs to acquire and construct the Beale Street Proposal. The Beale Street design would cost in excess of \$7.5 billion in 2009 dollars, which is nearly \$4 billion more than the comparable costs for the approved Transbay Transit Center. (Beale Street Technical Evaluation, p. 14.)

The Beale Street Proposal would also significantly reduce current funding sources for the Transbay Program. Regional Measure 2 and Proposition 1A funding for a San Francisco rail terminal can only be applied to the Transbay Project site; they do not permit funding at another site. The San Francisco Redevelopment Agency (“SFRA”) submitted comments on the Beale Street Proposal that reveal additional costs. (SFRA Comments (Attachment K).) Under the Transbay Redevelopment Project Plan, the Transit Center would receive an estimated \$116 million from the sale of property north of Folsom Street as early as 2015, and an estimated \$6.5 million in net tax increment funding each year after that. (*Id.*) Construction of the Caltrain extension and an underground rail station for the Beale Street proposal would delay development of this area by several years. (Beale Street Technical Evaluation, p. 3.) This delay would cost the Transit Center \$116 million in funding from the sale of the land and delay net tax increment in excess of \$6.5 million per year. In addition, the funding for the Transbay Program relies on the sale of the property on the block bounded by Main, Howard, Beale, and Folsom Streets that would be unavailable during construction of the Beale Street Proposal. The Gensler schematics include “Possible Development Ideas” as part of the Beale Street Proposal. As the SFRA notes, however, “redevelopment would be significantly hindered by the presence of the 12-track rail station directly below, which would make the development above more expensive and prevent the inclusion of underground parking.” (SFRA Comments.) The area south of Folsom Street that Gensler proposes for redevelopment is not even within the Transbay Redevelopment Project Area, and thus would not generate tax increment funding. (*Id.*)

The Beale Street Proposal is nothing more than a repackaging of several proposals that were rejected as infeasible in the Transbay FEIS/EIR. A technical review of the proposal confirms those findings, and reveals additional reasons that it is technically infeasible. The proposal would cause a significant loss of revenue to the Transbay

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Program, and create acquisition and construction costs that would render the Program financially infeasible.

C. Consideration of the Beale Street Proposal Would Cause Unnecessary Delay and Threaten Funding.

The Beale Street Proposal is also infeasible because it would substantially delay construction of the Transbay Terminal and the DTX and threaten committed funding for these projects. Schematic Design for the Transit Center Building is currently in progress and preliminary engineering designs are scheduled for completion in December 2009. Initial construction bid packages based on that design are scheduled to be issued in January 2010. The TTPA is also actively engaged in Preliminary Engineering Design for the DTX. Of the \$1,589 million required to construct the Transit Center, \$1,189 million is already committed. (Nancy Whelan, Nancy Whelan Consulting, financial advisor to the TTPA.) Halting this progress to consider a new design of the Transit Center from scratch would add uncontrolled design and environmental review costs, delay construction of this project by several years at best, and cause the Transbay Program to incur significant added escalation and carrying costs.

VI. The Beale Street Proposal Would Increase Environmental Impacts.

The CHSRA may only consider alternatives that are environmentally superior to the Transit Center in some respect. (CEQA Guidelines § 15126.6(a).) The CHSRA's *Common Questions and Answers Related to the Alternatives Analysis* report likewise states that an alternative will not be advanced for further study if it is does not reduce or avoid adverse environmental impacts.

A. Construction Impacts Would be Greatly Increased.

It is readily apparent that the Beale Street Proposal would have significantly greater environmental impacts than the Transbay Transit Center. It would expand the construction zone for the Transit Center over an additional two and a half blocks and would extend the period during which local neighborhoods and commuter traffic would experience construction-related disruptions. If constructed in two phases as indicated in the Gensler Proposal, the disruption and environmental impacts of construction would be extended over an indeterminate period and property would remain undeveloped or underdeveloped in the interim.

The number of tracks, limited rights-of-way, and prevailing ground conditions are merely some of the challenges to constructing an extension to serve a Beale Street location. A Beale Street extension would require right-of-way acquisition along much of its alignment far in excess of that required for the alignment to the Transbay site. The

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cut-and-cover construction necessary for the proposal would have significantly greater adverse effects on the community and environment. Furthermore, proximity to the Bay Bridge piers and anchorage of a rail tunnel necessary to reach a Beale Street station could be a significant threat to the viability of those structures and the long-term performance of the Bay Bridge. A rail tunnel leading to the Beale Street station could also impinge on the seawall and stormwater collection structures located beneath The Embarcadero. (Beale Street Technical Evaluation, pp. 7-9.) Finally, construction of the Beale Street Proposal would disrupt existing Muni light rail service. (*Id.*, p. 9.)

B. The Beale Street Proposal Would Create Significant Land Use Impacts, Including Demolition of Housing, and Would Directly Conflict With the Redevelopment Plan and Other Local Plans.

The Beale Street Proposal would significantly reduce the residential housing supply in the neighborhood and cause substantial displacement of people and housing. The Proposal requires acquisition and demolition of 201 Harrison Street, a residential condominium development with 287 units. (See Beale Street Technical Evaluation, and SFRA Comments.) It also requires acquisition of 201 Folsom Street, which has been approved for a residential development with 725 units. (SFRA Comments.) It would delay by several years construction of the area north of Folsom Street, which can accommodate more than 650 residential units. Elimination of housing units in San Francisco for public infrastructure would be unprecedented, inconsistent with local and regional planning policies, and politically infeasible. (*Id.*)

The proposed Beale Street station falls within both the SFRA's Transbay Redevelopment Project Area and San Francisco's Transit Center District Plan Area. This area constitutes the last large zone in downtown San Francisco for high density office and residential development. With the Transbay Center as the centerpiece for both efforts, the San Francisco Planning Department and San Francisco Redevelopment Agency have been planning and implementing their vision for this area of San Francisco. The Transbay Redevelopment Project Area is subdivided into two zones (Beale Street Technical Evaluation, Figures 1 and 2.). Zone 1, under the jurisdiction of the San Francisco Redevelopment Agency, is approved for high-density mixed-use residential and retail with a goal of 2,700 housing units, including 1,000 affordable units. Zone 2 is under the jurisdiction of the San Francisco Planning Department and is focused on commercial development. The objective of the Transit District Plan Area (*Id.*, Figure 3) is greater density development with increased building heights in select areas as well as a special financial program for funding and maintaining public improvements, including the Transit Center. The Beale Street Proposal would take the core out of Zone 1, and thus conflicts with these local land use plans. (*Id.*, p. 3.) It would similarly conflict with the South Beach, Rincon Hill, and Transit Center District Plans.

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In addition, acquisition of U.S. Postal Service property owned by the federal government would be required by the Beale Street Proposal; this may not be possible, let alone desirable.

VII. The Fourth & King Proposal Is Infeasible and Inferior to the Transit Center in a Number of Respects.

In addition to being legally infeasible, the Fourth & King Proposal is technically and financially infeasible and unreasonable for a number of reasons. Chief among these, it would require demolition of Interstate 280 off ramps and 70 to 90 units of residential housing. The Fourth & King Proposal also would cost roughly \$2.9 billion more than locating HSR in the Transit Center.

A. The Fourth & King Proposal is Technically Infeasible.

Program managers for the Transit Center and DTX, experts in underground tunneling and HSR stations, have conducted a technical review of the Fourth & King Proposal and concluded that it is technically infeasible and ill advised in several respects. (See PMPC Evaluation of Fourth & King Street High-Speed Rail Terminus, ("Fourth & King Technical Evaluation") (Attachment L).) To begin with, the Interstate 280 Sixth Street off-ramps that cross the site would need to be appropriately supported during construction. However, it is impossible to do so and simultaneously squeeze the permanent rail alignment and structure between the existing I-280 bridge foundations and their temporary support. Accordingly, demolition of the I-280 ramps would likely be required to accommodate the Fourth & King Proposal.

The Fourth & King Proposal would create a horizontal radius on the throat to the southernmost platforms that is less than the minimum radius mandated by the HSR program. In order to construct a larger, acceptable radius, the CHSRA would need to acquire and demolish 70 to 90 residential units in Mission Bay apartments. As with the Beale Street Proposal, this elimination of housing units in San Francisco for public infrastructure would be unprecedented and politically infeasible.

The technical review further found that the proposed terminal would be primarily founded in bay mud and adjacent to an open water channel, which increase construction costs and structural risks during a seismic event. Moreover, construction of the Fourth & King terminal and throat approach must be conducted in a manner that allows Caltrain to continue operating on a normal basis. This would necessitate a multi-staged construction approach, resulting in significantly increased construction costs and duration.

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B. The Fourth & King Proposal Is Financially Infeasible.

Locating HSR in the Transit Center minimizes operating and capital costs for the HSR terminal. Phase 1 of the Transit Center, which is fully funded except for the underground train box, will be a multimodal station shared by several transit providers, thus reducing capital and operating costs to any individual operator. The Fourth & King Proposal would have none of these cost advantages. Instead, it requires construction and operation of an entirely separate terminal for HSR. A simple comparison of construction costs demonstrates the financial infeasibility of such an approach. The cost to construct the HSR train box for the Transit Center is approximately \$400 million. In contrast, the Fourth & King Technical Evaluation estimates construction of a HSR terminal at Fourth & King would cost just over \$3.3 billion. This \$2.9 billion difference is not "financially justified" and is reason alone to cease further consideration of the Fourth & King Proposal. (*Marin Municipal Water District v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1665-66 (1991).)

C. The Fourth & King Proposal Fails to Meet CHSRA's Station Location Objectives and Other Project Objectives.

The Fourth & King Proposal fails to meet key HSR station location objectives set forth in CHSRA's environmental documents. (Bay Area FEIR/EIS at Table 8.1-1 (identifying criteria).) Indeed, the CHSRA has already determined that the Fourth & King Proposal fails to meet these objectives in comparison to the Transit Center. (*Id.* at 8-18 (identifying the Transbay Transit Center as the preferred San Francisco station location over the Fourth & King Proposal).)

Fourth & King is an unreasonable alternative to the Transit Center, and fails to meet the following HSR station location objectives set forth in the CHSRA's Bay Area FEIR/EIS:⁵

Maximize connectivity and accessibility: The Transit Center offers direct connectivity with Muni, AC Transit, SamTrans, Golden Gate Transit, Greyhound, WestCAT, Caltrain, and BART. MTC Resolution 3434 gives the Transbay Transit Center MTC's highest rating for system connectivity in terms of number of connecting operators, modal access options, and frequency of connections. Fourth and Townsend has limited Muni connections and has no direct connection to any other mode of public transportation.

⁵ The Beale Street Proposal also fails to meet the CHSRA's Objectives as discussed in PMPC evaluation of the Gensler Proposal.

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Maximize compatibility with existing and planned development: The Transbay Transit Center Program ("Program") conforms to the principles of transit-oriented development – locating public transit close to employment, shopping, education, hotels, convention centers, museums, and parks to get people out of their cars. According to SPUR, Downtown San Francisco has the largest concentration of office and retail jobs east of Manhattan. The Transbay area already has a high concentration of jobs. Under the Transbay Redevelopment Plan, the area will have nearly 2,600 new homes (35% of which will be affordable), 1.2 million square feet of new office, hotel, and commercial space, and 60,000 square feet of new retail. The City's Transit Center District Plan, slated for adoption in the fall of 2009, will result in an additional 2.5 million gross square feet of office space, 425 hotel rooms, and 235 residential units. See *Transit Center District Plan*, S.F. Planning Dept. Presentation, Sept. 17, 2008 (<http://www.sfgov.org/site/planning>). The Transit Center will allow HSR passengers easy access to this planned development. Fourth & King is far from the Downtown San Francisco center of employment, shopping, hotels, recreation, and other urban amenities.

As required by MTC Regional Measure 2 and as contemplated by the California High-Speed Rail Project, the San Francisco HSR terminus will accommodate a future East Bay connection that would eventually extend high-speed rail to Sacramento. As described in the Fourth & King Technical Evaluation, an East Bay crossing from Fourth & King is not feasible.

Maximize ridership/revenue potential: Because the vast majority of passengers using California High-Speed Rail wish to depart from or arrive at Downtown San Francisco, the Transit Center would maximize ridership and revenue from high-speed rail. CHSRA's environmental documents indicate that the First and Mission Transit Center location will generate an additional 1 million passengers per year and \$19 million per year in revenue compared with Fourth and Townsend. (Bay Area EIR/EIS at 7-141.)

Further, as discussed above, the Fourth & King Proposal fails to minimize operating and capital costs by not taking advantage of the Transit Center above-ground station. Fourth & King also fails to minimize impacts on social and economic resources because it would require demolition of residential units and is exorbitantly expensive. As the Fourth & King Technical Evaluation makes clear, it fails to avoid areas with geologic and soils constraints or potential hazardous materials.

These objectives also correspond to the criteria that the CHSRA will use to narrow the range of alternatives as stated in its "Common Questions and Answers Related to the Alternatives Analysis" handout. The CHSRA's EIS/EIR need only

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examine alternatives that meet most of the basic objectives. (CEQA Guidelines § 15126.6.) Because the Fourth & King proposal fails to meet these station location goals, it need not be advanced as an alternative for further study.

VIII. The Fourth & King Proposal Would Increase Environmental Impacts.

The Fourth & King Proposal would have significantly greater environmental impacts than the Transbay Transit Center. It would increase construction impacts by creating what is essentially a second Transit Center in a completely new neighborhood. The Fourth & King Proposal would significantly reduce the residential housing supply in the neighborhood by demolishing a large portion of Mission Bay apartments. Excavation for the Fourth & King station would unearth large quantities of this hazardous material, creating potential additional environmental risks and disposal expense. Accordingly, the Fourth & King Proposal would increase environmental impacts, and for this reason alone does not need to be considered further.

IX. The Proposed Alternative 0(a) Is Simply a Variant of the Transit Center.

The Proposed Alternative 0(a) is the TJPA's approved configuration for the Transit Center with added at-grade capacity for HSR at Fourth & King. This overflow service would accommodate any additional trains run by the CHSRA in the future beyond those proposed in its certified programmatic EIR/EIS documents. Alternative 0(a) is acceptable to the TJPA because it is simply a variant of Transit Center operations that the TJPA and the CHSRA have always considered.

The Transbay Transit Center contains sufficient capacity to accommodate high-speed rail. In the 2008 Bay Area FEIR/EIS, the CHSRA stated that its

operational analysis indicate[s] that to serve all of the HST trains proposed in the Authority's operational plan, four tracks and two island platforms would have to be dedicated to HST service. Further cooperative operations planning analysis of Transbay terminal rail capacity is needed to determine the most efficient mix and scheduling of both HST and Caltrain commuter services.

(Bay Area FPEIS/EIR, Vol. I at 8-19.) Four tracks and two island platforms is precisely the current plan for the Transbay Transit Center. Technical working groups with representatives from Caltrain, CHSRA, and the TJPA have been coordinating high-speed rail operations planning, as discussed in more detail below.

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In March 2009, the TJPA and the CHSRA signed a Memorandum of Agreement to help resolve design issues for "establishing the Transbay Transit Center as a terminus station of the high-speed rail system . . ." (*Memorandum of Agreement Between the Transbay Joint Powers Authority and the California High-Speed Rail Authority Regarding Design of the Transbay Transit Center and the CalTrain Downtown Extension* (Attachment M) at 1.) Since then, a technical group of TJPA, Caltrain, and CHSRA representatives and consultants have met and worked through the technical and operational planning issues regarding high-speed rail capacity at the Transit Center. As stated in the June 2009 report *California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy*, prepared by the TJPA, Caltrain, and others in association with the CHSRA,

The technical group recommends proceeding with the current Transbay Transit Center design providing two high-speed rail platforms and one Caltrain platform; the Fourth & King site will be upgraded to support the operational and contingency requirements of the Caltrain and high-speed rail services across a range of operating scenarios.

(*California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy* (June 2009) (Attachment N) at 12.) The technical working group concluded that "[w]hen the nearly 800-mile California high-speed train system is completed, the Transbay Transit Center will accommodate the majority of demand for high-speed rail service to San Francisco with additional demand accommodated, as needed, at an improved Fourth/King facility." (*Id.* at 11-12.) This is the same arrangement considered in the 2004 Transbay FEIS/EIR. (See FEIS/EIR, Vol. II at 108 ("The Fourth and Townsend station and platforms could also function as a 'relief valve' to accommodate some of the Caltrain service if the Transbay Terminal reaches capacity."))

The Transit Center was designed with the facilities requirements of HSR in mind, including auxiliary facilities needed to support high-speed trains. In June 2009, the TJPA received the CHSRA High-Speed Train Station Program Guidelines. The TJPA is currently in the process of reviewing the auxiliary requirements in those guidelines to determine how to address them in the detailed designs that the TJPA is currently developing for the Transit Center.

The Transit Center can also accommodate a future expansion of HSR service to the East Bay. (FEIS/EIR, Vol. II at 97-98.) An East Bay extension could serve the Transit Center from a number of approaches. An extension that headed easterly along Townsend Street could merge with Peninsula rail traffic and serve the Transit Center along the same Second Street alignment as the DTX. Alternatively, trains from an East

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Bay extension could approach the Transit Center from the eastern end along a Main Street or Steuart Street alignment.

Accordingly, although the TJPA does not believe Alternative 0(a) is necessary, it is not opposed to it. The TJPA does, however, strongly object to the CHSRA advancing the Beale Street or the Fourth & King Street Proposals for further study. To do so is unnecessary under the law, and would only result in a waste of public resources.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP


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Attachments

Attachment A: Gensler Proposal: Beale Street Alternative Power Point

Attachment B: Volumes I & II: The Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report (Transbay FEIS/EIR or FEIS/EIR) (excerpts)

Attachment C: California High-Speed Train Final Program EIR/EIS (excerpts)

Attachment D: Bay Area to Central Valley High Speed Train Final Program EIR/EIS (Bay Area FPEIR/EIS) (excerpts)

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Attachment E: California High-Speed Train Business Plan (November 2008)

Attachment F: TJPA Board of Directors Resolution No. 04-004 (April 22, 2004)

Attachment G: San Francisco Proposition H (November 22, 1999)

Attachment H: San Francisco Resolution 104-01 (February 12, 2001)

Attachment I: PMPC Evaluation of the Gensler Proposal (August 19, 2009) (Beale Street Technical Evaluation)

Attachment J: Caltrain San Francisco Downtown Extension Project, Draft Environmental Impact Statement/Draft Environmental Impact Report and Draft 4(f) Evaluation (Mar. 5, 1997) (Caltrain Extension Draft EIS/EIR) (excerpts)

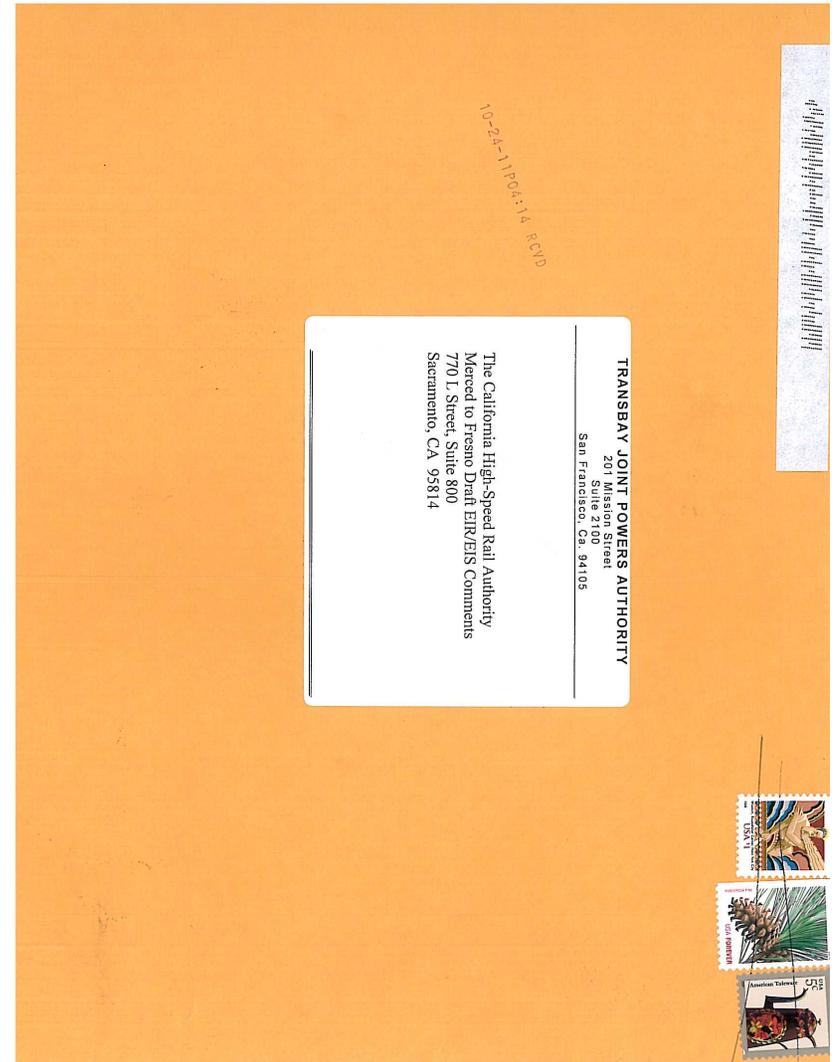
Attachment K: San Francisco Redevelopment Agency: *Comments on Gensler Rail Station Proposal*

Attachment L: PMPC Evaluation of Fourth and King Street High-Speed Rail Terminus (October 23, 2009) (Fourth & King Technical Evaluation)

Attachment M: *Memorandum of Agreement Between the Transbay Joint Powers Authority and the California High-Speed Rail Authority Regarding Design of the Transbay Transit Center and the CalTrain Downtown Extension*

Attachment N: California High-Speed Rail: San Francisco/Silicon Valley Corridor Investment Strategy (June 2009)

P:\TJPA\High Speed Rail\SF to SJ Project EIR_EIS\Preliminary Alternatives Comments, TJPA (10-30-09).doc



Response to Submission 950 (Brian Dykes, Transbay Joint Powers Authority, October 24, 2011)

950-1

All maps and figures referencing "Transbay Terminal" have been updated to display "Transbay Transit Center" instead.

950-2

Comment acknowledged.

The descriptions of San Francisco stations has been updated to clarify that Transbay Transit Center is the intended primary station, and that 4th and King will serve as an overflow station when train frequency goes above five trains per hour per direction at Transbay Transit Center.

950-3

The longer travel time of some proposed alternatives does not necessarily mean that the overall run times will increase beyond what has been envisaged to date. Other segments also have alternative alignments with different run times, and together the overall effects may be neutral or only slightly longer. Also, because the base alignment can be run faster than the mandated times, there is some ability to lengthen run times without exceeding the mandated times. These considerations will be weighed against the local impacts of the alternatives as decisions on which alignments to use are made.